

(b) activating the oocyte; and

(c) incubating the activated oocyte such that a non-human, mammalian embryo develops that has the same set of chromosomes as the non-human, non-embryonic mammal,

wherein the embryo is capable of developing to term.

36. (NEW) The non-human, mammalian embryo of claim 35, wherein the non-human, non-embryonic mammal is selected from the group consisting of cattle, sheep, pigs, goats, mice, and rabbits.

37. (NEW) The non-human, mammalian embryo of claim 35, wherein the cell is cultured *in vitro*.

38. (NEW) The non-human, mammalian embryo of claim 35, wherein the cell is abstracted *ex vivo*.

39. (NEW) The non-human, mammalian embryo of claim 35, wherein the cell is genetically modified prior to nuclear transfer.

40. (NEW) A non-human mammal that has the same set of chromosomes as a non-human, non-embryonic mammal of the same species,

wherein the non-human mammal is cloned by a process comprising:

(a) transferring the nucleus of a diploid donor cell obtained from the non-human, non-embryonic mammal into an enucleate oocyte of the same species;

(b) activating the oocyte; and

(c) incubating the activated oocyte such that a non-human, mammalian embryo develops;

Serial No.: 09/658,862

(d) transferring the non-human, mammalian embryo to a female of the same species; and

(e) developing the non-human, mammalian embryo into a non-human mammal that has the same set of chromosomes as the non-human, non-embryonic mammal.

41. (NEW) The non-human mammal of claim 40, wherein the non-human, non-embryonic mammal is selected from the group consisting of cattle, sheep, pigs, goats, mice, and rabbits.

42. (NEW) The non-human mammal of claim 40, wherein the cell is cultured *in vitro*.

43. (NEW) The non-human mammal of claim 40, wherein the cell is abstracted *ex vivo*.

44. (NEW) The non-human mammal of claim 40, wherein the cell is genetically modified prior to nuclear transfer.--

#### REMARKS

Entry of the above amendment is respectfully requested.

Figure 1 was omitted in error from the as-filed application. The addition of Figure 1 to the application adds no new matter. M.P.E.P. § 201.06(c) states:

In a continuation or divisional application, the safeguard (petition and fee under former 37 CFR 1.60(b)) concerning the filing of an application lacking all of the pages of the specification or sheets of drawings of the prior application has not been retained in 37 CFR 1.53(b) since the specification and drawings of a continuation or divisional application are not limited to a reproduction or a "true copy" of the prior application. As a safeguard, however, an applicant may incorporate by reference the prior application by including, in the continuation or divisional application-as-filed, a statement that such specifically enumerated prior application or applications are "hereby incorporated herein by reference." The statement may appear in the specification or in